

**Notice of Allowability**

Application No.

09/558,201

Examiner

Kristie Shingles

Applicant(s)

GERTHE, JOHN DAVID

Art Unit

2141

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6/20/2005.
2. ☒ The allowed claim(s) is/are 1-3,6-8,10 and 21-23.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 20050706.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 20050706.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

  
RUPAL DHARIA  
SUPERVISORY PATENT EXAMINER

KDS/20050706

## DETAILED ACTION

### *Response to Amendment*

1. This action is responsive to the After-Final Amendment received on 6/20/2005. Claims 1 and 6 were amended; and claims 4, 5, 9 and 11-20 were cancelled.
2. *Claims 1-3, 6-8, 10 and 21-23 are allowed.*

### *Examiner's Amendment*

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with M. Paul Qualey, Jr. (Reg. No. 43,024) on July 5, 2005 at 10:20am and via facsimile message.

The application has, therefore, been amended as follows:

- Delete "50" (page 12, line 16) and replace with **-15**;
- Delete "309" (page 17, line 5) and replace with **-307**; and
- Delete "356" (page 13 lines 13 and 15) and replace with **-376**.

Note: Applicant's indicated replacement of "376" with "356" in Figure 3B is inconsistent with the previous drawings. Reference numeral "356" is already used to indicate Local Storage in Figure 3A—thus the same reference number cannot be used to designate two distinct items, in this case the Local Storage and Differencing Element. The specification has therefore been amended above to include reference numeral "376".

### *Drawings*

4. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the drawings include hand-written informal changes to the reference numerals (in particular, replacing "WAN 50" with "WAN 15" in Figure 2 and regarding the deletion of any reference numerals from the drawings). Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

### *Reasons for Allowance*

5. The following is an examiner's statement of reasons for allowance:

The prior art or record fails to teach neither singly nor in combination, the claimed limitation of "after the remote memory element updates said copy of said first file, said remote memory device causes said first file to be updated" as stated in claims 1-3, 6-8, 10 and 21-23. This limitation, in conjunction with other limitations in the independent claims, are not specifically disclosed or remotely suggested in the prior art of record. A review of claims 1-3, 6-8, 10 and 21-23, in view of the Examiner's arguments above, indicates that claims 1-3, 6-8, 10 and 21-23 are allowable over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

Art Unit: 2141

fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### *Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure: *Nelson et al* (USPN 5,452,447), *Yohe et al* (USPN 6,339,787), *Mandalia* (USPN 6,324,584) and *Crow et al* (USPN 6,393,526).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristie Shingles whose telephone number is 571-272-3888. The examiner can normally be reached on Monday-Friday 8:30-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306 (or after July 15, 2005, new fax number will be 571-273-8300).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Kristie Shingles*  
Examiner  
Art Unit 2141

kds

  
RUPAL DHARIA  
SUPERVISORY PATENT EXAMINER